



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,706	02/05/2002	Michael John Curry	1049.001US1	6456

23441 7590 09/11/2003

LAW OFFICES OF MICHAEL DRYJA  
704 228TH AVENUE NE  
PMB 694  
SAMMAMISH, WA 98074

EXAMINER

NGUYEN, VAN H

ART UNIT PAPER NUMBER

2126

DATE MAILED: 09/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

14

<b>Office Action Summary</b>	<b>Application No.</b> 09/683,706	<b>Applicant(s)</b> CURRY ET AL.	
	<b>Examiner</b> VAN H NGUYEN	<b>Art Unit</b> 2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 12-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 3.                      6) ☐ Other: \_\_\_\_\_

3

### DETAILED ACTION

1. This Office Action is in response to the application filed February 05, 2002. Claims 1-20 are pending in this application. Claims 1-11 are elected for examination (paper #5).
2. The references "IBM PC Pro Camera," downloaded from <http://www.ctdepot.com> (not dated) and "VideoMail Studio," downloaded from <http://www.digitalmediaworks.com> (not dated) have not been considered as prior art since the date of publication is not available. The applicant must provide the publication date if the references are to be considered.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by **Ouhyoung et al.** "The MOS Multimedia E-Mail System" *IEEE, 1994, pp. 315-324.*

As to claim 1, Ouhyoung teaches (pp. 315-316) a system (*the MOS E-mail system*) comprising: an operating system (*the operating system*); an application program (*electronic mail*)

running on the operating system; and, an audio (*audio*) or video (*video*) program running on the operating system, the audio or video program integrated with the application program such that a user of the application program interacts with the audio or video program as though the audio or video program were part of the application program (*the integration of audio, video, images, and graphics data into a single letter for electronic mail...to provide an integrated environment for multimedia document authoring, sending, receiving, and displaying*).

**As to claim 2**, Ouhyoung teaches the audio or video program is integrated with the application program by detecting when an event related to the application program occurs (p. 315)

**As to claim 3**, Ouhyoung teaches the audio or video program is further integrated with the application program by subclassing into a window of the application program (fig.1).

**As to claim 4**, Ouhyoung teaches the audio or video program is further integrated with the application program by hooking into a window of the application program (fig.1).

**As to claim 5**, Ouhyoung teaches the audio or video program is integrated with the application program by employing a customization mechanism of the application program (pp. 315-316).

**As to claim 6**, Ouhyoung teaches the audio or video program is integrated with the application program by employing application programming interfaces (API's) of the application program (fig.2).

**As to claim 7**, Ouhyoung teaches the audio or video program modifies contents of a window of the application program created through the operating system (figs.7-9).

**As to claim 8**, Ouhyoung teaches the audio or video program runs in a window created through the operating system and related to a window of the program created through the operating system (fig. 1).

**As to claim 9**, Ouhyoung teaches the application program comprises one of: an email program, a presentation program, a publishing program, a word processing program, a spreadsheet program, an instant messaging program, a telephony program, and a gaming program (pp. 315-316).

**As to claim 10**, Ouhyoung teaches the audio or video program comprises one of: an audio or video player program, an audio or video recorder program, an audio or video player-and-recorder program (p. 318).

**As to claim 11**, Ouhyoung teaches the audio or video program comprises one of: an audio-only program, a video-only program, and an audio-and-video program (p. 318).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Toyoda et al.                      US 6124939                      issued date: 09/2000

- Tullis et al.                      US 5802314                      issued date: 09/1998

- **Markovic et al.** "A MS-Window Software Tool For Multimedia E-mail in Local Area Network" *IEEE*, 1997, pp. 101-105.

- **Turner et al.** "Continuous Media E-mail on the Internet: Infrastructure Inadequacies and a Sender-Side Solution" *IEEE*, 2000, pp. 30-37.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H NGUYEN whose telephone number is (703) 306-5971. The examiner can normally be reached on Monday-Thursday from 8:30AM - 6:00PM. The examiner can also be reached on alternative Friday.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9000.

**Any response to this action should be mailed to:**  
**Commissioner for Patents**  
**PO Box 1450**  
**Alexandria, VA 22313-1450**

**or fax to:**

(703) 746-7239 (for formal communications intended for entry)  
(703) 746-7238 (for After Final communications)  
(703) 746-7240 (for informal or draft communications)

VHN  
09/04/2003



**JOHN FOLLANSBEE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**